UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,337	10/18/2001	Todd Ouzts	MFCP.88143	6724

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SHOOK, HARDY & BACON L.L.P.
(c/o MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	09/982,337	OUZTS ET AL.
Office Action Summary	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 October 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,5-12 and 14-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 5-12, and 14-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Final Rejection

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received and

placed on record in the file: Amendment as received on 10-12-2006.

Claims 1-20 have been examined.

Status of Claims:

2.   Claims 9 –12, 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker, Scott et al.,

Patent #6,545,687, hereinafter Scott, and Gill, Patent #6,947,959.

3.   Claims 1, 5-8, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker , Scott et al.,

Patent #6,545,687, hereinafter Scott, Gill Patent #6,947,959, and Hatanaka et al.,

Patent #5,680,558, hereinafter Hatanaka.

4.   Claims 2-4 and 13 have been cancelled by the applicant.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

7.   Claims 8 and 14 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. The specification allows computer readable

media (machine-readable media) to be a "modulated data signal such as a carrier

wave".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 9 –12, 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker, Scott et al.,

Patent #6,545,687, hereinafter Scott, and Gill, Patent #6,947,959.

10.   With regard to claims 9 and 15, which teaches a method in a computer system

for displaying a collection of content items within a container, comprising: displaying a

background appearance for the collection of content items, Baecker teaches, in column

6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame, where the folder, as shown in figure 6, is known in the

art to comprise a background appearance. With regard to claims 9 and 15, which

further teach displaying a graphical previews for items on the outer appearance of the

container, if the collection can be graphically represented, Baecker teaches, in column

6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, generating

scaled down representations of the available items. With regard to claim 15, further

teaching enabling a computer user to more easily identify the contents of the container

without opening the container, Baecker teaches, in column 6, line 53 through column 7,

line 29 and in figure 6, the representations being viewable without opening the files.

Baecker teaches showing icons on the outer appearance, of an insider representation of an icon, but doesn't specifically teach (or at least as clearly as the supplemental reference) teach displaying an icon on the outside of a representation of a folder, displaying items "without displaying the collection of content items", displaying a textual message in addition to the background appearance and the graphical preview, or sorting the content items.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in a grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15), similar to that of Baecker, but further teaches that the graphical previews, even if they contain further groupings, are still represented by a further grouping or thumbnails which can be accessed to view only that particular subset of items (as opposed to an entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of elements having textual messages associated with them (see column 13, lines 35-67 and figures 14 and 15). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Scott before him at the time the invention was made to modify thumbnail display of Baecker to include the sub-group thumbnail representations, as did Scott. One would have been motivated to make such a combination because this provides the user with a depiction of the items all through the hierarchical arrangement without the need for drilling (though they can if desired to focus in). Baecker and Scott, however, don't teach selecting the items to appear based on a sort criteria, wherein the sort criteria selects the items based upon those which were most recently modified in some way.

Gill teaches system used for displaying a plurality of thumbnails on a background appearance, similar to that of Baecker and Scott (see column 2, line 39 through column 3, line 40 and figure 20), but further teaches selectively displaying the thumbnails based on a sort criteria specified in a header file, wherein the sort can be based on the last date of modification of a file (see column 16, lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure 20). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott, and Gil before him at the time the invention was made to modify the hierarchal thumbnail displays that extract thumbnails from images of Baecker and Scott to have ability to sort elements, as did Gil. One would have been motivated to make such a combination because the process of sorting a list of elements is a well known in the art means of limiting/organizing a list to highlight the desired elements.

11. With regard to claim 10, which teaches the container being a folder and the background appearance being that of a closed folder, Baecker further teaches, in column 4, lines 20-25 and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder, where the folder, as shown in figure 6, is known in the art to comprise a background appearance. Furthermore Scott further teaches an embodiment where the image for the represented file is displayed on the outside of a graphical representation of a folder (see figures 14 and 15).

12. With regard to claim 11, which teaches the container being a folder and the background appearance being that of a photo album, Baecker further teaches, in column 4, lines 20-25, column 7, lines 21-29, and in figure 6, the generated image being

a scaled down replica of the actual document and being displayed on the folder, and the images being able to be graphical images (pictures). Furthermore Scott further teaches an embodiment where the image for the represented file is displayed on the outside of a graphical representation of a folder (see figures 14 and 15).

13.   With regard to claim 12, which teaches at least one graphical preview being a preview of a electronic picture contained in the folder, Baecker further teaches, in column 6, lines 53 through column 7, line 29, a preview representing a graphic document in a folder.

14.   With regard to claim 14, which teaches a computer readable medium having computer readable instructions for performing the system, Baecker teaches, in column 4, lines 20-25, the system being implemented on a computer.

15.   With regard to claim 18, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one of the content items, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

16.   With regard to claim 19, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one item, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing

reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

17.   Claims 1, 5-8, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker , Scott et al., Patent #6,545,687, hereinafter Scott, Gill Patent #6,947,959, and Hatanaka et al., Patent #5,680,558, hereinafter Hatanaka.

18.   With regard to claims 1 and 16, which teach a method of use on a computer having a graphical operating environment, comprising: providing a collection of items within a container, the container having a outer appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of particular documents in a frame. With regard to claim 1, which further teaches displaying a graphical previews for the selected items on the outer appearance of the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being represented by a scaled down representation of the item shown on the folder. With regard to claims 1 and 16, which further teach locating the graphical previews on the outer appearance in a desired location, Baecker teaches, in column 6, lines 63-66 and in figure 6, showing preview icons on the outer appearance, of an inside representation of an icon, in the corresponding location, for each icon contained in the folder. With regard to claims 1 and 16, further teaching enabling a computer user to more easily identify the contents of the container without opening the container, Baecker teaches, in column 6, line 53

through column 7, line 29 and in figure 6, the representations being viewable without

opening the files. With regard to claims 1 and 16, which teach, enumerating the items

that exist within the container, Baecker teaches, in column 7, lines 2-9, keeping

numbers regarding the number of icons displayed and the number of icons displayable.

With regard to claims 1 and 16, further teaching, determining whether a graphical

preview can be generated for each enumerated item, and generating a list of items for

which a graphical preview can be generated, Baecker further teaches, in column 7, lines

41-59 and column 4, line 63 through column 5, line 7, generating a preview from the

available images and storing them in memory for use by other folders. Baecker teaches

showing icons on the outer appearance, of an insider representation of an icon, but

doesn't specifically teach (or at least as clearly as the supplemental reference) teach

displaying an icon on the outside of a representation of a folder, displaying items

"without displaying the collection of content items", or displaying a textual message in

addition to the background appearance and the graphical preview.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in

a grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15),

similar to that of Baecker, but further teaches that the graphical previews, even if they

contain further groupings, are still represented by a further grouping or thumbnails

which can be accessed to view only that particular subset of items (as opposed to an

entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of

elements having textual messages associated with them (see column 13, lines 35-67

and figures 14 and 15). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker and Scott before him at the time the invention was

made to modify thumbnail display of Baecker to include the sub-group thumbnail

representations, as did Scott. One would have been motivated to make such a

combination because this provides the user with a depiction of the items all through the

hierarchical arrangement without the need for drilling (though they can if desired to

focus in). Baecker and Scott, however, don't teach selecting the items to appear based

on a sort criteria, wherein the sort criteria selects the items based upon those which

were most recently modified in some way.

Gill teaches system used for displaying a plurality of thumbnails on a background

appearance, similar to that of Baecker and Scott (see column 2, line 39 through column

3, line 40 and figure 20), but further teaches selectively displaying the thumbnails based

on a sort criteria specified in a header file, wherein the sort can be based on the last

date of modification of a file (see column 16, lines 12-14, column 17, lines 18-25 and

column 18, lines 13-16 and figure 20). It would have been obvious to one of ordinary

skill in the art, having the teachings of Baecker, Scott, and Gil before him at the time the

invention was made to modify the hierarchal thumbnail displays that extract thumbnails

from images of Baecker and Scott to have ability to sort elements, as did Gil. One

would have been motivated to make such a combination because the process of sorting

a list of elements is a well known in the art means of limiting/organizing a list to highlight

the desired elements. Scott further teaches particular programs for creating the

thumbnail images (JPEG compression, SWEET compression, etc.) (see column 7, lines

28-64), but Baecker Scott and Gill specifically don't teach the particular extractor being based on the extension associated with the at least one item.

Hatanaka teaches a system which extracts reduced size images from items (see column 1, lines 15-36 and column 2, lines 63-67), similar to that of Baecker, Scott, and Gill, but further teaches the extraction process first recognizing the extensions of the particular file in order to direct it to the correct thumbnail generator for the given format (see abstract, column 1, lines 15-36, column 6, line 63 through column 7, line 11, and figure 10) and the images having an associated textual message (see column 1, lines 24-27 and figure 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott, Gill, and Hatanaka before him at the time the invention was made to modify the hierarchal thumbnail displays that extract thumbnails from images of Baecker, Scott, and Gill to have the same thumbnail selection based on extensions, as did Hatanaka. One would have been motivated to make such a combination because this provides a more accurate depiction of items on the display customized to the particular element format.

19.   With regard to claim 5, which further teaches sizing the preview on the outer appearance, Baecker further teaches, in column 7, lines 41-59, sizing the preview and, in column 4, line 63 through column 5, line 7, the moving about of icon information.

20.   With regard to claim 6, which teaches determining if a graphical preview image has previously been generated and stored, and if so, displaying the previously generated previews, Baecker further teaches, in column 6, lines 53-60 and in column 4, line 63 through column 5, line 7, storing small graphical images for later retrieval.

21.   With regard to claim 7, which teaches the preview being a thumbnail image of an item contained within the container, Baecker further teaches, in column 4, lines 20-25, lines 63-66, column 7, lines 45-47, and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder.

22.   With regard to claim 8, which teaches a computer readable medium having computer readable instructions for performing the system, Baecker teaches, in column 4, lines 20-25, the system being implemented on a computer.

23.   With regard to claim 17, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one of the content items, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

24.   With regard to claim 20, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one of any of the collection of content items, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

Response to Arguments

25.   The arguments filed on 10-12-2006 have been fully considered but they are not

persuasive. Reasons set forth below.

The Applicants argue that Baecker, Scott, Gill, and Hatanaka fail to teach or

suggest, among other things, "selecting, from the generated list, a desired number of

items to display on the outer appearance based upon a sort criteria, wherein the sort

criteria selects the items based upon those items which were most recently modified" or

Similarly, "sorting content items that can be graphically represented, rendering graphical

previews, on the background appearance, of the sorted content items that can be

graphically represented."

In response, the Examiner respectfully submits that Gill teaches system used for

displaying a plurality of thumbnails [Bitmap02, DCS20_01, KodakPhotoCd01, etc.] on a

background appearance [area inside of the frame] (see column 2, line 39 through

column 3, line 40 and figure 20), similar to that of Baecker and Scott , but further

teaches selectively displaying the thumbnails based on a sort criteria specified in a

header file, wherein the sort can be based on the last date of modification of a file (see

column 16, lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure

20). Furthermore, as admitted to by the applicant, on page 8 of the Amdt., Dated

October 12, 2006, Gill teaches a pallete (background area) that displays resultant

thumbnails to the user query (sort query). It would have been obvious to one of

ordinary skill in the art, having the teachings of Baecker, Scott, and Gil before him at the

time the invention was made to modify the hierarchal thumbnail displays that extract

thumbnails from images of Baecker and Scott to have ability to sort elements, as did Gil. One would have been motivated to make such a combination because the process of sorting a list of elements is a well known in the art means of limiting/organizing a list to highlight the desired elements, this further provides for.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12-21-06
dgb

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173